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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,965	04/27/2001	Leonard Jurden	31080	9826

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EXAMINER

VAN DOREN, BETH

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/843,965

Applicant(s)

JURDEN, LEONARD

Examiner

Beth Van Doren

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

### DETAILED ACTION

1. The following is a non-final, first office action on the merits. Claims 1-12 are pending.

#### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claims 1, 4, and 10 all recite the term “concern”. “Concern”, as defined by dictionary.com (www.dictionary.com) a matter that relates to or affects one or a troubled state of mind. The claims recite that a range of resources is provided to a concerning, with the resources “limited to the functions and interests of the concern”, and that the resources change “in response to communication from the concern”. It is unclear to the examiner as to how a “concern” can have interests and as to how a “concern” can communicate. Therefore, the scope of the claimed term “concern” is unclear and indefinite. Clarification is required. For examination purposes, the limitation involving communication has been construed as a “changing the range of resources in response to communication about the concern”.

4. Claims 2-3 and 5-6 recite the limitations “the content” and “the services”, both of which have insufficient antecedent in the claims, as claims 1 and 4 contain no mention of content or services. Based on the specification, page 2, line 32-33, the limitation “the content” of claims 2 and 5 has been construed as --wherein the range of resources includes content, the content being selected from the group--. Also based on the same section of the specification, the limitation

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“the services” of claims 3 and 6 has been construed as --wherein the range of resources includes services, the services being selected from the group--. Correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-12 are rejected under 35 U.S.C. 102(a) as being anticipated by SAP (“SAP E-Business Solutions”).

6. As per claims 1 and 4, SAP teaches a method of providing a range of resources to a concern, with the range of resources being limited to the functions and interests of the concern and at least a portion of the range of resources being computer-accessible over a communications network, the method comprising the steps of:

(a) customizing the range of resources based upon the functions of the concern, including acquiring a first portion of the range of resources and generating a second portion of the range of resources (See pages 15, 18, 21, 35, 42, wherein the range of available resources are customized to the needs of the enterprise for which the infrastructure and portal are being built. See pages 51 and 53, which talk about how the infrastructure and portal are built to directly meet role based needs (and concerns) of an employee);

(b) providing a hardware and software infrastructure necessary to access, via the communications network, at least a portion of the range of resources (See pages 20-22, 35, 42, 55-56, wherein a hardware and software infrastructure is provided via the network);

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(c) providing training regarding the customized range of resources and the infrastructure (See pages 2-5, 22-3, and 44, which discuss training);

(d) providing the customized range of resources to the concern (See pages 15, 18, 21, 35, 42, wherein the range of available resources are customized and provided. See pages 51 and 53, which disclose customized resources to directly meet role based needs (and concerns) of an employee);

(e) changing the customized range of resources in response to communication about the concern (see pages 11, 17-9, 21-3, which discusses changing customization as needed due to communication from users); and

(f) maintaining and upgrading the customized range of resources and the hardware and software infrastructure (See pages 17-9, 21-3, which discuss maintaining and upgrading the infrastructure).

7. As per claims 2 and 5, SAP teaches wherein the range of resources includes content, the content being selected from the group consisting of: productivity programming, curricular programming, administrative programming, assessment programming, collaboration programming, professional development programming (See pages 5, 51-53, 68, 71-2, which discloses such content).

8. As per claims 3 and 6, SAP teaches wherein the range of resources includes services, the services being selected from the group consisting of: productivity programming, curricular programming, administrative programming, assessment programming, collaboration programming, professional development programming (See pages 5, 51-53, 68, 71-2, which discloses such services).

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9. As per claim 7, SAP teaches wherein step (c) includes providing both pre-operation training and ongoing in-service training (See pages 2-5, 22-3, and 44, which discuss pre-use training and training throughout the life-cycle of the infrastructure).

10. As per claim 8, SAP discloses the steps of:

(g) providing a financial account and a mechanism for accessing the account (See pages 71 and 76-80, wherein a financial account is maintained and accessed); and

(h) maintaining records relating to the account and use of the mechanism (See pages 71 and 76-80, wherein records are maintained related to the account).

11. As per claim 9, SAP teaches wherein the step (b) of providing hardware and software infrastructure is accomplished on a subscription basis (See pages 16, 70, and 75, which discusses the customers and costs of SAP's infrastructure).

12. As per claim 10, claim 10, elements (a), (b), (c), (f), and (g), are substantially similar to claim 4, elements (a), (b), (c), (e), and (f), respectively. Therefore, these elements are rejected using the same art and rationale above. further teaches:

(d) making at least a portion of the range of resources accessible to the concern via the infrastructure (See pages 15, 18, 21, 35, 42, wherein the range of available resources are customized and provided. See pages 51 and 53, which disclose customized resources to directly meet role based needs (and concerns) of an employee, these resources a portion of the overall infrastructure); and

(e) providing a network portal customized to the needs and desires of a subgroup of the concern (See pages 25, 35, and 51-6, which discuss an enterprise portal that is customized to directly meet the needs a specific subgroup of employees).

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13. Claims 11 and 12 recite equivalent limitations to claims 8 and 9, respectively, and are therefore rejected using the same art and rationale as set forth above.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Quinones (U.S. 6,904,449) teaches providing an infrastructure that addresses the needs of the specific company, the infrastructure being customized and upgradeable.

Brown et al. (U.S. 6,385,652) discloses teaches creating a common electronic delivery infrastructure for delivering banking service to clients.

Marpe et al. (U.S. 2002/0184/191) teaches an infrastructure for accessing data across the system specific to the needs of the user.

Marpe et al. (U.S. 6,571,235) teaches an infrastructure for accessing data across the system specific to the needs of the user.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Van Doren whose telephone number is (571) 272-6737. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*bvd*

bvd

June 10, 2005

  
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